

BOARD OF APPEALS CASE NO. 4862

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BEFORE THE

APPLICANT: Edgewood Lodging

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ZONING HEARING EXAMINER

**REQUEST: Variances to allow a 453
square foot sign and storage shed within
the required setback and easement;
2116 Emmorton Road, Edgewood**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/4/98 & 11/11/98

HEARING DATE: June 9, 1999

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Record: 11/6/98 & 11/13/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Edgewood Lodging, Inc. The Applicant is requesting a variance to Section 267-40(B), Table XIV, and Section 267-26(C)(5)(d) of the Harford County Code, to allow a storage shed within the required 20 foot side yard and 40 foot rear yard setback, and a variance to Section 267-26(C)(6) to allow a free-standing sign and shed within the recorded easement and a variance to Section 219-5(B) of the Harford County Sign Code to allow a 453 square foot free-standing sign in a General Industrial District.

The subject parcel is located at 2116 Emmorton Park Road in the First Election District. The parcel is identified as Parcel No. 634, in Grid 4-E, on Tax Map 61. The parcel contains 1.606 acres, more or less, all of which is zoned GI.

Ms. Jane Lancaster appeared and testified that she is the General Manager for the Day's Inn, which is operated on the subject property. The witness said the property is long and narrow and that the height of the sign is 55 feet and it is necessary to allow visibility of the sign. The witness said several other hotels and businesses have signs similar to the Applicant's sign. The witness said that the sign is 161 square feet and that the Applicant has 176 feet of frontage on Emmorton Park Road. The witness said that the Applicant is also requesting a variance to allow an existing shed to be located 10 feet from the rear property line and 12 feet from the side property line.

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Mr. Denis Canavan appeared and qualified as an expert in the field of planning and zoning. Mr. Canavan testified that the subject property is zoned General Industrial and that the Master Plan shows the subject property has high intensity. The witness said the subject property is unique because the topography is lower than MD Route 24 and that the lot has an unusual shape. The witness said that the requested variances cannot be alleviated by locating the sign and shed to comply with the Code without infringing on existing improvements. The witness said that denial of the variance would cause practical difficulty and he did not feel approval of the variances would have an adverse impact on surrounding properties because there are signs of similar height in the area. Mr. Canavan said he also considered the "Limitations, Guides and Standards" set forth in Section 267-9(I) and he did not feel the Applicant's request will impact the "Limitations, Guides and Standards" set forth in the Code.

No protestants appeared in opposition to the request, and the Staff Report recommends conditional approval.

CONCLUSION:

The Applicant is requesting a variance to Section 267-40(B), Table XIV, and Section 267-26(C)(5)(d) of the Harford County Code, which provides:

"Business, industrial and institutional: same front, side and rear lot lines as required for the principal structure."

Therefore, the Applicant is required to maintain a 20 foot side yard depth and a 40 foot rear yard depth.

The Applicant is also requesting a variance to Section 267-26(C)(6) to allow a free-standing sign and shed within a recorded easement. Section 267-26(C)(6) provides:

"No accessory use or structure, except fences shall be located within any recorded easement area."

Finally, the Applicant is requesting a variance to Section 219-5(B) of the Harford County Sign Code, to allow 453 square feet of total signage area in a GI District. The Applicant is proposing a 12 foot side yard and a 10 foot rear yard setback for the shed.

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The file contains a memorandum from the Department of Public Works indicating that they have reviewed the matter and are not opposed to the Applicant's use of the easement area.

The uncontradicted testimony of the Applicant's expert witness was that there are unique topographic situations on the property which justify approval of the variance for the sign, and that denial of the variance for the sign and shed will cause practical difficulty because the Applicant will be required to locate the improvement elsewhere on the parcel which will infringe on existing improvements.

The uncontradicted evidence also indicates that approval of the requested variances will not have an adverse impact on adjoining properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variances be approved, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the proposed sign and the existing roof sign.
2. Should it become necessary in the future to use the easements, the shed and sign shall be relocated at the Applicant's expense.
3. The storage container be removed once the storage shed has been located on the property.

Date JULY 8, 1999

L. A. Hinderhofer
Zoning Hearing Examiner